

ESTTA Tracking number: **ESTTA116978**

Filing date: **12/27/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	SWATCH AG (SWATCH SA) (SWATCH LTD)		
Entity	Joint Stock Company	Citizenship	Switzerland
Address	Jakob-St&auml;mpfli-Strasse 94 Biel/Bienne, CH-2502 SWITZERLAND		

Attorney information	Jess M. Collen The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jcollen@collenip.com Phone:914-941-5668
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### Registration Subject to Cancellation

Registration No	3172010	Registration date	11/14/2006
Registrant	Slodowitz, Motti, M 4625 W Jefferson Blvd Los Angeles, CA 90016 UNITED STATES		
Goods/Services Subject to Cancellation	Class 014. First Use: 2004/02/00 , First Use In Commerce: 2004/02/00 Goods/Services: Watches, Wrist and clip style		

Attachments	SWAT 3172010 86255_petition to cancel_12-27-06.pdf ( 23 pages )(627936 bytes )
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Signature	/Jess M. Collen/
Name	Jess M. Collen
Date	12/27/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

Registrant : Motti M. Slodowitz  
For : S.W.A.T.  
Registered : November 14, 2006  
Reg. No. : 3,172,010

Commissioner for Trademarks  
Box TTAB - FEE  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**PETITION TO CANCEL**

SWATCH AG (SWATCH SA) (SWATCH LTD), a corporation duly organized and existing under the laws of Switzerland, located at Jakob-Stämpfli-Strasse 94, CH-2502 Biel/Bienne, Switzerland (referred to as "SWATCH" or "Petitioner") seeks the cancellation of the above-identified registration pursuant to 15 USC § 1052(e)(1) and TBMP § 307.02.

As grounds for cancellation, it is alleged that:

(1) SWATCH is and has been engaged in the sale and marketing in commerce since 1983 of a variety of goods including publications, collectible articles, watches, watch bands, clocks, electronic apparatus, clothing, candy, jewelry, accessories, key rings, displays containers, toys, retail and sporting and sports timing services, and a range of other goods under the trademark SWATCH. SWATCH has sold goods under its SWATCH trademark continuously since that time.

(2) SWATCH is the owner of the valid United States Trademark registration number 1,356,512 relating to watches and parts thereof. (See Exhibit A). SWATCH is also the owner of a variety of other valid United States Trademark registrations including:

SWATCH	Reg. 1,671,076 (watches, clocks and parts thereof)
SWATCH	Reg. 1,252,863 (watches incorporated with quartz and parts thereof)
SWATCH	Reg. 2,050,210 (magazines for watch collectors)

(See Exhibits B-D)

(3) Registrations 1,356,512, 1,671,076, and 1,252,863 are incontestable, pursuant to section 15 of the Trademark Act.

(4) SWATCH has used its mark in commerce extensively and has acquired a considerable and valuable goodwill and wide-scale recognition for its mark. The public has come to associate the SWATCH mark with Petitioner and Petitioner's goods. The SWATCH mark has acquired distinctiveness.

(5) Respondent, Motti M. Slodowitz, is and has been engaged in the sale and marketing of goods under the S.W.A.T. mark for goods and services including: watches, wrist and clip style.

(6) Respondent obtained a trademark registration on November 14, 2006. (See Exhibit E attached.)

(7) Respondent's mark is confusingly similar to Swatch's trademark SWATCH and is likely, when applied to the goods of the Respondent, to cause confusion, or to cause mistake or to deceive. 15 USC §1052(e).

(8) Consumers hearing the Respondent's mark will likely confuse it with the Petitioner's SWATCH trademark.

(9) Consumers encountering the Respondent's mark and goods are likely to believe that such goods originate from or are authorized or sponsored by the Petitioner, in view of the wide-scale fame of the Petitioner's mark and the indistinguishable differences between Petitioner's marks and the Respondent's mark and the same goods being associated with the Respondent's and Petitioner's marks.

(10) SWATCH is an innovative company which has associated its mark with a range of goods and services.

(11) The SWATCH mark is closely associated with watches.

(12) Use of the mark S.W.A.T. will be likely to lead consumers and potential consumers of the Respondent's goods to believe that the mark is related to the SWATCH family of marks. The use of S.W.A.T. serves to create a commercial impression that will cause consumers to be confused, and to believe that the Respondent's goods emanate from SWATCH.

(13) The Respondent has appropriated the Petitioner's trademark in its entirety, and has varied from Petitioner's mark by merely dropping the letters "CH."

(14) On information and belief, both the Respondent's mark and Petitioner's mark are likely to be sold through the same or similar channels of distribution.

(15) On information and belief, the Respondent has adopted its trademark with full knowledge of Petitioner's SWATCH trademark.

(16) The Petitioner's SWATCH mark is a famous trademark.

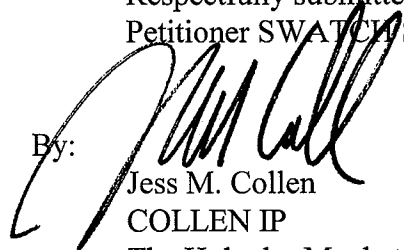
(17) On information and belief, the Applicant's mark is likely to diminish and dilute the value and distinctive character of Petitioner's famous SWATCH mark, thus damaging the Petitioner.

(18) Respondent's mark so resembles, SWATCH, the Petitioner's mark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

Petitioner SWATCH prays that Registration No. 3,172,010 be canceled, and that this Cancellation be sustained in favor of SWATCH.

Respectfully submitted for  
Petitioner SWATCH S.A.

By:



Jess M. Collen

COLLEN IP

The Holyoke-Manhattan Building

80 South Highland Avenue

Ossining, NEW YORK 10562

Ph: 914 941 5668

Fax: 914-941-6091

JMC/JTS:pm

Enc.: Cancellation Fee \$300.00

Duplicate Copy

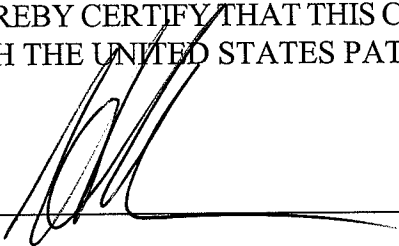
Exhibits A-E

DATED: December 27, 2006

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS  
HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY  
WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

By:



Dated: December 27, 2006

# EXHIBIT A

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-03 17:17:35 ET**

**Serial Number:** 73506848 Assignment Information

**Registration Number:** 1356512 Assignment Information

**Mark**

swatch

**(words only):** SWATCH

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2005-09-19

**Filing Date:** 1984-11-02

**Transformed into a National Application:** No

**Registration Date:** 1985-08-27

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2005-12-02

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. SWATCH S. A.

**Address:**

SWATCH S. A.

JAKOB-STAMFLI-STRASSE 94



BIEL/BIENNE

Switzerland

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Switzerland

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**GOODS AND/OR SERVICES**

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**International Class:** 014

WATCHES AND PARTS THEREOF

**First Use Date:** 1982-05-31**First Use in Commerce Date:** 1982-05-31**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

1227456

1252863

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2005-09-19 - First renewal 10 year

2005-09-19 - Section 8 (10-year) accepted/ Section 9 granted

2005-07-18 - Combined Section 8 (10-year)/Section 9 filed

2005-09-09 - Assigned To Paralegal

2005-07-18 - PAPER RECEIVED

2003-02-24 - PAPER RECEIVED

1991-05-10 - Section 8 (6-year) accepted &amp; Section 15 acknowledged

1991-01-24 - Section 8 (6-year) and Section 15 Filed

1986-09-15 - Cancellation terminated for Proceeding

1986-08-27 - Cancellation dismissed for Proceeding

1986-01-10 - Cancellation Instituted No. 999999

1985-08-27 - Registered - Principal Register

1985-06-18 - Published for opposition

1985-05-17 - Notice of publication

1985-04-19 - Approved for Pub - Principal Register (Initial exam)

1985-04-04 - Communication received from applicant

1985-01-31 - Non-final action mailed

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**CORRESPONDENCE INFORMATION**

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**Correspondent**

JESS M. COLLEN (Attorney of record)

JESS M. COLLEN

COLLEN IP

THE HOLYOKE-MANHATTAN BUILDING

80 S. HIGHLAND AVENUE

WESTCHESTER COUNTY, NY 10562

**Domestic Representative**

MCGLEW AND TUTTLE

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# EXHIBIT B

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-03 17:18:41 ET**

**Serial Number:** 74079220

**Registration Number:** 1671076

**Mark (words only):** SWATCH

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2002-03-01

**Filing Date:** 1990-07-17

**Transformed into a National Application:** No

**Registration Date:** 1992-01-07

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 8

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2002-03-05

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Swatch S.A.

**Address:**

Swatch S.A.

94 Rue Jakob Stampfli

Bienne

Switzerland

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Switzerland

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**GOODS AND/OR SERVICES**

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**International Class:** 014

watches, clocks and parts thereof

**First Use Date:** 1981-11-12

**First Use in Commerce Date:** 1981-11-12

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2002-03-01 - First renewal 10 year

2002-03-01 - Section 8 (10-year) accepted/ Section 9 granted

2001-12-28 - Combined Section 8 (10-year)/Section 9 filed

1997-04-28 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-04-08 - Section 8 (6-year) and Section 15 Filed

1992-01-07 - Registered - Principal Register

1991-05-14 - Published for opposition

1991-04-12 - Notice of publication

1991-01-03 - Approved for Pub - Principal Register (Initial exam)

1991-01-03 - Case file assigned to examining attorney

1990-12-13 - Case file assigned to examining attorney

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**CORRESPONDENCE INFORMATION**

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**Correspondent**

Jess M. Collen (Attorney of record)

JESS M COLLEN  
THE HOLYOKE MANHATTAN BLDG  
80 S HIGHLAND AVE  
OSSINING NY 10562-5615

**Domestic Representative**  
COLLEN LAW ASSOCIATES, PC

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# EXHIBIT C

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-03 17:18:59 ET**

**Serial Number:** 73379925 Assignment Information

**Registration Number:** 1252863 Assignment Information

**Mark**

**swatch  
QUARTZ**

**(words only):** SWATCH QUARTZ

**Standard Character claim:** No

**Current Status:** A Section 8 affidavit has been accepted.

**Date of Status:** 1990-11-02

**Filing Date:** 1982-08-13

**Transformed into a National Application:** No

**Registration Date:** 1983-10-04

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 1991-02-20

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. SWATCH S.A.

**Address:**  
SWATCH S.A.  
9 ROUTE DE BOUJEAN



BIENNER 2502

Sweden

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Sweden

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**GOODS AND/OR SERVICES**

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**International Class:** 014

Watches Incorporated with a Quartz and Parts Thereof

**First Use Date:** 1982-05-31**First Use in Commerce Date:** 1982-05-31**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "QUARTZ"

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2003-02-24 - PAPER RECEIVED

1991-02-04 - Section 15 acknowledged

1990-10-30 - Section 15 affidavit received

1990-10-30 - Section 8 (6-year) filed

1990-11-02 - Section 8 (6-year) accepted

1990-03-27 - Post Registration action mailed Section 8 &amp; 15

1989-05-09 - Section 8 (6-year) and Section 15 Filed

1986-09-15 - Cancellation terminated for Proceeding

1986-08-27 - Cancellation dismissed for Proceeding

1986-01-10 - Cancellation Instituted No. 999999

1983-10-04 - Registered - Principal Register

1983-07-12 - Published for opposition

1983-07-12 - Published for opposition

1983-06-17 - Notice of publication

1983-06-16 - Notice of publication

1983-06-15 - Notice of publication

1983-05-02 - Approved for Pub - Principal Register (Initial exam)

1983-04-29 - Examiner's amendment mailed

1983-02-11 - Case file assigned to examining attorney

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**CORRESPONDENCE INFORMATION**

---

**Correspondent**

JOHN J. MCGLEW (Attorney of record)

JOHN J. MCGLEW  
MCGLEW AND TUTTLE  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-0827

**Domestic Representative**

MCGLEW AND TUTTLE

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# EXHIBIT D

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-03 17:19:15 ET**

**Serial Number:** 74641474

**Registration Number:** 2050210

**Mark**

swatch

**(words only):** SWATCH

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2003-07-11

**Filing Date:** 1995-03-06

**Transformed into a National Application:** No

**Registration Date:** 1997-04-08

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 108

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2003-07-15

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Swatch AG (Swatch SA) (Swatch Ltd.)

**Address:**

Swatch AG (Swatch SA) (Swatch Ltd.)  
94, rue Jakob Stampfli

2500 Bienne  
Switzerland

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Switzerland

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**GOODS AND/OR SERVICES**

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**International Class:** 016

books and periodicals, namely a series of books illustrating collectable articles; magazines for watch collectors

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 44(e)

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**  
1252863

**Foreign Registration Number:** 402626

**Foreign Registration Date:** 1992-12-03

**Country:** Switzerland

**Foreign Expiration Date:** 2012-12-03

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2003-07-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-04-10 - Section 8 (6-year) and Section 15 Filed

2003-04-10 - PAPER RECEIVED

2003-02-27 - PAPER RECEIVED

1997-04-08 - Registered - Principal Register

1997-01-21 - ITU claim deleted

1997-01-21 - Notice of Allowance canceled

1996-08-06 - Notice of allowance - mailed

1996-05-14 - Published for opposition

1996-04-12 - Notice of publication

1996-02-08 - Approved for Pub - Principal Register (Initial exam)

1995-12-01 - Communication received from applicant

1995-09-05 - Non-final action mailed

1995-08-22 - Case file assigned to examining attorney

1995-07-18 - Case file assigned to examining attorney

1995-07-13 - Case file assigned to examining attorney

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**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Jess M. Collen (Attorney of record)

JESS M. COLLEN  
INTELLECTUAL PROPERTY LAW, P.C.  
THE HOLYOKE-MANHATTAN BUILDING  
80 SOUTH HIGHLAND AVE  
WESTCHESTER COUNTY, NY 10562

**Domestic Representative**

INTELLECTUAL PROPERTY LAW, P.C.

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# EXHIBIT E

**Int. Cl.: 14**

**Prior U.S. Cls.: 2, 27, 28, and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,172,010**

**Registered Nov. 14, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**S.W.A.T.**

SLODOWITZ, MOTTI, M (UNITED STATES IN-  
DIVIDUAL)  
4625 W JEFFERSON BLVD  
LOS ANGELES, CA 90016

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

SN 78-278,757, FILED 7-25-2003.

FOR: WATCHES, WRIST AND CLIP STYLE, IN  
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

WILLIAM P. SHANAHAN, EXAMINING ATTOR-  
NEY